



1655
Express Mail No. EL 451 599 995 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kessler, et al.

Confirmation No.:

Serial No.: 09/530,929

Art Unit: 1655

Filed: February 8, 2001

Examiner: Sisson, B.

For: SPECIFIC AND SENSITIVE
NUCLEIC ACID DETECTION
METHOD

Attorney Docket No: 1803-303-999

COMMUNICATION

Commissioner for Patents
Washington, D.C. 20231

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TECH CENTER 1600/2900

Sir:

Applicants enclose herewith a Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 with Statement Under C.F.R. 3.73(b) executed by Dr. Michael Jung, Vice President and Dr. Ralf Schwarz, Director, of Roche Diagnostics GmbH on October 8, 2002.

Applications believe that no fee is required with submission of the enclosed Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 with Statement Under C.F.R. 3.73(b). However, if it is found that a fee is necessary, please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150 (order no. 1803-303-999).

Respectfully submitted,

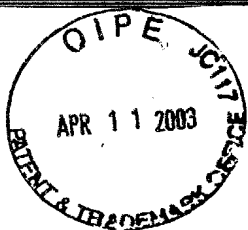
Date: April 11, 2003


Rahul Pathak

42,983

(Reg. No.)

for: Nikolaos C. George (39,201)
PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 493-4935



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kessler *et al.*

Application No.: 09/530,929

Group Art Unit: 1655

Filed: May 4, 2000

Examiner: Sisson, B.

For: SPECIFIC AND SENSITIVE NUCLEIC
ACID DETECTION METHOD

Attorney Docket No.: 1803-303-999

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APR 16 2003

TECH CENTER 1600/2900

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER C.F.R. 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), Kenneth L. Stein (Reg. No. 38704), Nanda K. Alapati (Reg. No. 39,893), Andrew J. Gray (Reg. No. 41,796), Henry C. Lebowitz (Reg. No. 36,196) and Karen G. Horowitz (Reg. No. 35,199), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 24341), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

POWER OF ATTORNEY

In addition, the undersigned assignee also appoints: George Jen (Reg. No. 39,329) and Jennifer Haynes (Reg. No. 48,868) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to:

Roche Molecular Systems, Inc.
1145 Atlantic Avenue
Alameda, California 94501

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

Statement Under 37 C.F.R. 3.73(b)

Roche Diagnostics GmbH states that it is:

- ☒ the assignee of the entire right, title, and interest; or
- ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

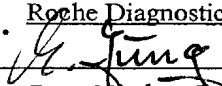
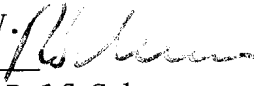
OR

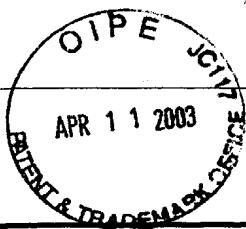
- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
 1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.
 2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments of other documents in the chain of title are attached.

POWER OF ATTORNEY

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date:	October 08, 2002	ASSIGNEE:	ppa. <u>Roche Diagnostics GmbH</u> i.V.
		Signature:	<u></u> <u></u>
		Typed Name:	<u>Dr. Michael Jung</u> <u>Dr. Ralf Schwarz</u>
		Position/Title:	<u>Vice President</u> <u>Director</u>
		Address:	<u>Sandhofer Strasse 116,</u> <u>D-68305 Mannheim, Germany</u> <u></u> <u></u>




Express Mail No. EL 451 599 995 US

RECORDATION FORM COVER SHEET
PATENTS ONLYAttorney Docket Number
1803-0303-999TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Box Assignment
Washington, DC 20231

Please record the attached original documents or copy thereof.

EVIDENCE
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DO NOT RECORDED

1. Name of conveying party(ies): Christoph Kessler; Gerd Haberhausen; Knut Bartl; and Henrik Orum Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <u>Roche Diagnostics GMBH</u> Address: <u>Sandhoferstr 116</u> <u>D 68305 Mannheim</u> <u>GERMANY</u> Country (if other than USA): <u>GERMANY</u>	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment Merger Security Agreement Change of Name Other Execution Date: <u>02/12/02; 11/18/02; 11/18/02; and 11/17/02</u>			
4. Application number(s) or patent number(s): <u>09/530,929</u>			
If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) B. Patent No.(s) Additional numbers attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, California 94304		6. Number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41):.....\$ <u>40.00</u> Please charge to the deposit account listed in Section 8. 8. Deposit account number: <u>16-1150 (order no. 1803-303-999)</u>	
DO NOT USE THIS SPACE			
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Rahul Pathak 42,983  April 11, 2003 For: Nikolaos C. George (39,201) Signature Date Name of Person Signing Reg. No. Total number of pages including cover sheet: <u>5</u>			

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignment
Washington, D.C. 20231

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CA1: 340074.1

ASSIGNMENT

WHEREAS, We, **Christoph Kessler**, **Gerd Haberhausen** of Germany, **Knut Bartl** of Germany, residing in the United States of America and **Henrik Orum** of Denmark, hereinafter referred to as ASSIGNORS, have invented certain new and useful improvements, which are described and claimed in an application, provisional or otherwise, for United States Letters Patent entitled

“SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD”

and identified by Serial No: **09/530,929** Filing Date: **May 4, 2000**

WHEREAS, **ROCHE DIAGNOSTICS GMBH** of Sandhoferstr. 116 - D-68305 Mannheim, Germany, an company organized under the Laws of Germany, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the said invention and application and in any United States Letters of Patent which may be granted on the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for valuable consideration, receipt of which is hereby acknowledged, ASSIGNORS have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters of Patent which may hereafter be granted on the same in the United States including any application claiming priority under 35 U.S.C. §119(e), divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, reexaminations, prolongations or extensions thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNORS had this assignment and transfer not been made, to the full end and term of any Letters Patent.

UPON said consideration, ASSIGNORS do hereby covenant and agree with the said ASSIGNEE that ASSIGNORS will not execute any writing or do any act whatsoever conflicting with these presents. ASSIGNORS further agree that they will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, in enforcing any rights or choses causes? in action accruing as a result of such applications or patents, including but not limited to, giving testimony in any proceedings or transactions involving such applications or patents and executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN TESTIMONY WHEREOF, this assignment has been executed by the ASSIGNORS

Christoph Kessler at Pangburg
Christoph Kessler, Cfr. Date NOV-18/2002

WITNESSES

No. 1 and 2 French

Annelle B. J.

[Signature] at Penobscot
Gerd Haberhausen

02.12.02

Date

WITNESSES

[Signature]

EVIDENCE
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_____ at _____
Knut Bartl

Date

WITNESSES

_____ at _____
Henrik Orum

Date

WITNESSES

_____ at _____
Gerd Haberhausen

WITNESSES

K. Bartl

Knut Bartl

at Pleasanton, CA

Date

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RECORD
11-18-02

Date

WITNESSES

Jui Chustian

Joan Flanagan

_____ at _____
Henrik Orum

Date

WITNESSES

_____ at _____
Gerd Haberhausen

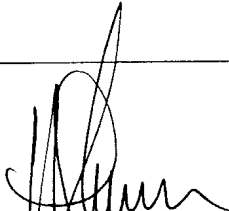
Date

WITNESSES

_____ at _____
Knut Bartl

Date

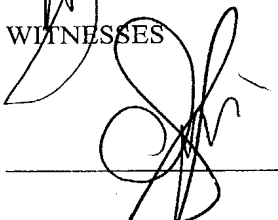
WITNESSES


Henrik Orum

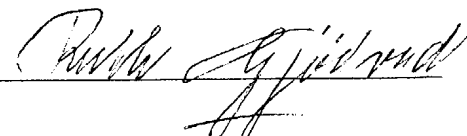
at COPENHAGEN
DENMARK

NOV 17TH, 2002
Date

WITNESSES



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DK-3500 Værløse



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DK-3500 Værløse

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Pilegårdsvej 24 · DK-3450 Allerød

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